

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 28, 2003

DIVISION ONE

B159575 Siegfried, et al. (Not for Publication)
 v.
 City of Baldwin Park, et al.

The judgment is affirmed. The City and Lewis are awarded their costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

B150107 People (Not for Publication)
 v.
 Paredes, et al.

The judgment against Paredes is affirmed, and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment (A) deleting the parole revocation fine and (B) reducing the restitution fine to \$10,000. The judgment against Halas is reversed, and the cause is remanded to the trial court for a new trial.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Ortega, J.

April 28, 2003 (Continued)

DIVISION TWO

Court convened at 9:00 a.m.

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B157197 People v. Gladley
B154451 People v. Edwards
B156361 Frankston v. Auro Systems Inc.
B159182 Smith v. Regents of USC

Argument waived, cause submitted.

B159606 People
 v.
 Duerson

Merits:
Argued by Jerald Newton for appellant and by Allison Chung for respondent. Cause submitted.

B159512 Fasan, et al.
 v.
 Christa and Jackson

Merits:
Argued by Geoffrey C. Brown for appellant and oral argument previously waived by respondent. Cause submitted.

B154883 Green
 v.
 Green

Merits:
Argued by J. Brian Watkins for appellant and by Honey Kessler Amado for respondent. Cause submitted.

DIVISION TWO (Continued)

B155015 Pacifica Land Co. Inc.
 v.
 Mako Fund-San Remo

Merits:
Argued by William J. Salica for appellant and by Richard H. Coombs for respondent. Cause submitted.

B151800 Sakiyama, et al.
 v.
 AMF Bowling Centers Inc.

Merits:
Argued by Andrew Spielberger for appellants and by Tod Castronovo for respondent. Cause submitted.

B153868 Nelson, et al.
 v.
 City of Pasadena, et al.

Merits:
Argued by Deborah J. Fox for appellants and by Thomas D. Hogue for respondents. Cause submitted.

B148217 Schine, et al.
 v.
 Facet Aerospace Products Co.

Merits:
Argued by Richard Schwartz for appellants and by Richard Coyle for respondent. Cause submitted.

B158015 Choice One Finance Corporation
 v.
 Fidelity Federal Bank

Merits:
Argued by Roger C. Golden for appellant and by Timothy M Maggio for respondent. Cause submitted.

April 28, 2003 (Continued)

DIVISION TWO (Continued)

B155530 Williams
v.
J & J Equipment Rental, et al.

Merits:
Argued by Sandra M. Falchetti for appellant and by Steven Anderson and Paul Burke for respondents. Cause submitted.

Court adjourned.

DIVISION THREE

B160817 Eik & Pike, Inc., etc., et al. (Not for Publication)
v.
Paton

The judgment is reversed. The parties are to bear their own costs on appeal.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

B161500 Los Angeles County, D.C.S. (Not for Publication)
v.
Keisha S.

The order is affirmed.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

April 28, 2003 (Continued)

DIVISION THREE (Continued)

B156484 Jones (Not for Publication)
v.
Village Manor, et al.

The judgment is affirmed. Defendants shall recover their costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B160204 People (Not for Publication)
v.
Chapman
In Re Albert Frank Chapman on H.C.

The judgment is affirmed. The petition for writ of habeas corpus is denied.

Aldrich, J.

We concur: Croskey, Acting P.J.
 Kitching, J.

DIVISION FOUR

B153845 Sun Ace, Inc. (Not for Publication)
v.
Sulmeyer, Kupetz, Baumann & Rothman et al.

The judgment in favor of respondent Suzanne L. Weakley is affirmed. The appeal from the judgment as to respondent Sulmeyer, Kupetz, Baumann & Rothman is treated as a petition for an extraordinary writ. The petition is denied. Costs are awarded to respondents.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Hastings, J.

April 28, 2003 (Continued)

DIVISION FOUR (Continued)

B159455 People (Not for Publication)
v.
Holland

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

B157867 People
v.
Rufus Orlando Hicks et al.

Filed order modifying opinion. (No change in the judgment)

DIVISION SIX

B159021 Khoilian (Not for Publication)
v.
Rolfe

The judgment (order granting summary judgment) is affirmed. Rolfe is awarded costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SEVEN

B156910 Kougasian (Not for Publication)
v.
TMSL, Inc.

The judgment of the superior court is affirmed. Respondents to recover costs on appeal.

Munoz, J. (Assigned)

We concur: Perluss, P.J.
Woods, J.

B155838 Mir (Not for Publication)
v.
Blue

The orders dismissing this action and awarding attorneys' fees and costs are affirmed. Blue shall recover his fees and costs for prosecuting this appeal, the amount of which shall be determined by the trial court.

Munoz, J. (Assigned)

We concur: Perluss, P.J.
Woods, J.

B158662 Los Angeles County, D.C.S. (Not for Publication)
v.
Tiffany M., et al.
In re Eleasah H., et al., Minors

The order of the superior court finding that Eleasah is not a person coming within the provisions of section 300, subdivision (e), is reversed.

Munoz, J. (Assigned)

We concur: Johnson, Acting P.J.
Woods, J.

April 28, 2003 (Continued)

DIVISION SEVEN (Continued)

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The judgment is affirmed.

Munoz, J. (Assigned)

We concur: Perluss, P.J.
Johnson, J.

B161179 Schaefer (Not for Publication)
v.
Ben& Kling Homeowners Assn., Inc., et al.

The order of the superior court denying appellant's petition for writ of mandate is affirmed.

Munoz, J. (Assigned)

We concur: Johnson, Acting P.J.
Woods, J.

B155066 Hill, et al. (Not for Publication)
v.
Columbia Tristar Television, Inc., et al.

The judgment in favor of the corporate defendants and Wiard and against Randall Hill is reversed. The case is remanded to the trial court with directions to grant defendants' alternative motions for summary adjudication of Randall Hill's claims for discrimination, wrongful discharge, and intentional and negligent infliction of emotional distress and to conduct further proceedings not inconsistent with this opinion. As to Heather Hill, the judgment is affirmed. Each party is to bear his, her or its own costs on appeal.

Perluss, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B147480 Palmer
v.
Schindler Elevator Corporation

Filed order modifying opinion and certifying opinion filed 3-28-03, for partial publication. Petition for rehearing is denied. (No change in the judgment)

DIVISION EIGHT

B131210 People (Not for Publication)
v.
Yepes

The conviction on count 20, renumbered as count 19 (assault with firearm on bank teller Pamela Dodson) is reversed. Any findings that appellant Yepes personally used a firearm at the banks, with the exception of counts 23 to 25 (crimes committed September 3, 1993), are stricken. Appellant is to receive 48 additional days of custody credit. The case is remanded for resentencing in light of section 654, the striking of the personal use allegations, and this opinion. In all other respects, the judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B160350 People (Not for Publication)
v.
Tyson K.,
In re Tyson K., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed. The case is remanded for clarification of the disposition only. If the juvenile court elects to aggregate Tyson's period of confinement, it must enter a new dispositional order.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

April 28, 2003 (Continued)

DIVISION EIGHT (Continued)

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The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B159703 People (Not for Publication)
v.
Escoto

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B158225 Baron (Not for Publication)
v.
Laemmle, et al.

The judgment is reversed. The trial court is directed to enter an order granting summary adjudication (1) on the cause of action for age discrimination and (2) on the cause of action for intentional infliction of emotional distress. Baron is entitled to costs.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

April 28, 2003 (Continued)

DIVISION EIGHT (Continued)

B158076 Winger (Not for Publication)
v.
Mercury Insurance Company, et al.

The judgments are affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.